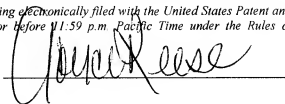


PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on October 26, 2009 at or before 11:59 p.m. Pacific Time under the Rules of 37 CFR § 1.8.



Applicant : Lutz Biedermann, et al.
Application No. : 10/660,452
Filed : September 11, 2003
Title : INVERTEBRAL DISK PROSTHESIS

Confirmation No. 4918

Grp./Div. : 3738
Examiner : David H. Willse
Customer No. : 23363

Docket No. : 58779/B884

**INFORMATION DISCLOSURE STATEMENT 37 CFR § 1.97(b) AND
CROSS REFERENCE TO COMMONLY OWNED RELATED APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
October 26, 2009

Commissioner:

In compliance with the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, and in accordance with the provisions in the Manual of Patent Examining Procedure §§ 609 and 707.05(b), enclosed is FORM PTO/SB/08A/B listing the references that are known to applicant. Copies of each of the listed references are enclosed. This filing is timely because it is made during one of the periods described in 37 CFR § 1.97(b).

German Publication DE 41 09 941 A1 to Reljica-Kostic was originally cited by Examiner Willse in an Office action for related application 10/660,453, dated February 12, 2007, and initially cited for the instant application in an IDS dated November 7, 2008. Applicants are supplementing the previous submission by providing an English Abstract for DE 41 09 941 A1, provided by Examiner Willse and available on the PAIR database for the related application.

Application No. 10/660,452

Japanese Publication JP 49-11836 to Shu Koujyu was originally cited by Applicants on November 14, 2008 for both the instant application and related application 10/660,453, after the reference was cited by the Japan Patent Office for a counterpart foreign application to related application 10/660,453. Applicants are supplementing the submission for the instant application by providing a partial translation of the reference, along with an English-language version of the Office action from the Japan Patent Office, which indicates the degree of relevance found by the foreign office for the related application.

U.S. Patent No. 5,609,637 to Biedermann et al. and PCT Publication No. WO 02/11650 A2 to Bryan et al. were originally cited by Applicants in an IDS submitted on September 12, 2009 for related application 10/660,453.

U.S. Patent No. 5,989,290 to Biedermann et al. was originally cited by Examiner Willse in an Office action for related application 10/660,453, dated September 29, 2009.

It is respectfully requested that the listed references be considered in the examination of this application and identified on the list of references cited on the patent issuing for this application. Applicant also requests that an initialed copy of FORM PTO/SB/08A/B be entered in the application file and returned to applicant with the next communication from the Office in accordance with MPEP § 609.

The Commissioner is hereby authorized to charge any fees which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any Deposit Account transaction.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 

Joshua T. Chu
Reg. No. 59,799
626/795-9900

JTC/rmw

Enclosures: PTO/SB/08A/B, w/references

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